

1 A bill to be entitled
 2 An act relating to driver licenses; amending s. 27.52,
 3 F.S.; adding a financial information requirement for a
 4 certain application form; amending s. 28.246, F.S.;
 5 revising requirements relating to the payment of
 6 court-related fines or other monetary penalties, fees,
 7 charges, and costs; authorizing, rather than
 8 requiring, a clerk of court to pursue collection of
 9 certain fees, charges, fines, costs, or liens under
 10 certain circumstances; requiring a clerk of court to
 11 competitively bid a contract with a collection agency
 12 or private attorney under certain circumstances,
 13 subject to certain requirements; prohibiting the clerk
 14 from assessing any collections transfers surcharge;
 15 prohibiting the collection agency or private attorney
 16 from imposing certain additional fees or surcharges;
 17 amending s. 316.650, F.S.; requiring traffic citation
 18 forms to include certain language relating to payment
 19 of a penalty; amending s. 318.15, F.S.; prohibiting
 20 the suspension of a person's driver license solely for
 21 failure to pay a penalty if the person demonstrates to
 22 the court that he or she is unable to pay such
 23 penalty; requiring the person to provide documentation
 24 meeting certain requirements to the appropriate clerk
 25 of court in order to be considered unable to pay;
 26 amending s. 318.18, F.S.; requiring a court to inquire

27 regarding a person's ability to pay at the time a
28 certain civil penalty is ordered; amending s. 322.055,
29 F.S.; decreasing the period for revocation or
30 suspension of, or delay of eligibility for, driver
31 licenses or driving privileges for certain persons
32 convicted of certain drug offenses; amending s.
33 322.056, F.S.; decreasing the period for revocation or
34 suspension of, or delay of eligibility for, driver
35 licenses or driving privileges for certain persons
36 found guilty of certain drug offenses; deleting
37 requirements relating to the revocation or suspension
38 of, or delay of eligibility for, driver licenses or
39 driving privileges for certain persons found guilty of
40 certain alcohol or tobacco offenses; repealing s.
41 322.057, F.S., relating to discretionary revocation or
42 suspension of a driver license for certain persons who
43 provide alcohol to persons under a specified age;
44 amending s. 322.09, F.S.; deleting a provision
45 prohibiting the issuance of a driver license or
46 learner's driver license under certain circumstances;
47 repealing s. 322.091, F.S., relating to attendance
48 requirements for driving privileges; amending s.
49 322.245, F.S.; prohibiting the suspension of a
50 person's driver license solely for failure to pay a
51 penalty if the person demonstrates to the court that
52 he or she is unable to pay such penalty; requiring the

53 person to provide documentation meeting certain
54 requirements to the appropriate clerk of court in
55 order to be considered unable to pay; repealing s.
56 322.251(7), F.S., relating to notice of suspension or
57 revocation of driving privileges, reasons for
58 reinstatement of such driving privileges, and certain
59 electronic access to identify a person who is the
60 subject of an outstanding warrant or capias for
61 passing worthless bank checks; amending s. 322.271,
62 F.S.; providing that a person whose driver license or
63 privilege to drive has been suspended may have his or
64 her driver license or driving privilege reinstated on
65 a restricted basis under certain circumstances;
66 amending s. 322.34, F.S.; revising the underlying
67 violations resulting in driver license or driving
68 privilege cancellation, suspension, or revocation for
69 which specified penalties apply; amending s. 562.11,
70 F.S.; revising penalties for selling, giving, serving,
71 or permitting to be served alcoholic beverages to a
72 person under a specified age or permitting such person
73 to consume such beverages on licensed premises;
74 repealing s. 562.111(3), F.S., relating to withholding
75 issuance of, or suspending or revoking, a driver
76 license or driving privilege for possession of
77 alcoholic beverages by persons under a specified age;
78 amending s. 569.11, F.S.; revising penalties for

79 persons under a specified age who knowingly possess,
 80 misrepresent their age or military service to
 81 purchase, or purchase or attempt to purchase tobacco
 82 products; authorizing, rather than requiring, the
 83 court to direct the Department of Highway Safety and
 84 Motor Vehicles to withhold issuance of or suspend a
 85 person's driver license or driving privilege for
 86 certain violations; amending s. 790.22, F.S.; revising
 87 penalties relating to suspending, revoking, or
 88 withholding issuance of driver licenses or driving
 89 privileges for minors under a specified age who
 90 possess firearms under certain circumstances; deleting
 91 provisions relating to penalties for certain offenses
 92 involving the use or possession of a firearm by a
 93 minor under a specified age; amending s. 806.13, F.S.;
 94 deleting provisions relating to certain penalties for
 95 criminal mischief by a minor; repealing s. 812.0155,
 96 F.S., relating to suspension of a driver license
 97 following an adjudication of guilt for theft;
 98 repealing s. 832.09, F.S., relating to suspension of a
 99 driver license after warrant or capias is issued in
 100 worthless check cases; amending s. 877.112, F.S.;
 101 revising penalties for persons under a specified age
 102 who knowingly possess, misrepresent their age or
 103 military service to purchase, or purchase or attempt
 104 to purchase any nicotine product or nicotine

105 dispensing device; authorizing, rather than requiring,
 106 the court to direct the department to withhold
 107 issuance of or suspend a person's driver license or
 108 driving privilege for certain violations; amending s.
 109 938.30, F.S.; authorizing a judge to convert certain
 110 statutory financial obligations into court-ordered
 111 obligations to perform community service by reliance
 112 upon specified information under certain
 113 circumstances; amending s. 1003.27, F.S.; deleting
 114 provisions relating to procedures and penalties for
 115 nonenrollment and nonattendance cases; amending ss.
 116 318.14, 322.05, 397.951, and 1003.01, F.S.; conforming
 117 provisions to changes made by the act; providing an
 118 effective date.

119
 120 Be It Enacted by the Legislature of the State of Florida:
 121

122 Section 1. Paragraph (a) of subsection (1) of section
 123 27.52, Florida Statutes, is amended to read:

124 27.52 Determination of indigent status.—

125 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 126 of a public defender under s. 27.51 based upon an inability to
 127 pay must apply to the clerk of the court for a determination of
 128 indigent status using an application form developed by the
 129 Florida Clerks of Court Operations Corporation with final
 130 approval by the Supreme Court.

131 (a) The application must include, at a minimum, the
 132 following financial information:

133 1. Net income, consisting of total salary and wages, minus
 134 deductions required by law, including court-ordered support
 135 payments.

136 2. Other income, including, but not limited to, social
 137 security benefits, union funds, veterans' benefits, workers'
 138 compensation, other regular support from absent family members,
 139 public or private employee pensions, reemployment assistance or
 140 unemployment compensation, dividends, interest, rent, trusts,
 141 and gifts.

142 3. Assets, including, but not limited to, cash, savings
 143 accounts, bank accounts, stocks, bonds, certificates of deposit,
 144 equity in real estate, and equity in a boat or a motor vehicle
 145 or in other tangible property.

146 4. All liabilities and debts.

147 5. If applicable, the amount of any bail paid for the
 148 applicant's release from incarceration and the source of the
 149 funds.

150 6. The election of or refusal of the option to fulfill any
 151 court-ordered financial obligation associated with the case by
 152 the completion of community service as ordered by the court.
 153

154 The application must include a signature by the applicant which
 155 attests to the truthfulness of the information provided. The
 156 application form developed by the corporation must include

157 notice that the applicant may seek court review of a clerk's
 158 determination that the applicant is not indigent, as provided in
 159 this section.

160 Section 2. Subsections (4) and (6) of section 28.246,
 161 Florida Statutes, are amended to read:

162 28.246 Payment of court-related fines or other monetary
 163 penalties, fees, charges, and costs; partial payments;
 164 distribution of funds.—

165 (4) The clerk of the circuit court shall accept partial
 166 payments for court-related fees, service charges, costs, and
 167 fines in accordance with the terms of an established payment
 168 plan. An individual seeking to defer payment of fees, service
 169 charges, costs, or fines imposed by operation of law or order of
 170 the court under any provision of general law shall apply to the
 171 clerk for enrollment in a payment plan. ~~The clerk shall enter~~
 172 ~~into a payment plan with an individual who the court determines~~
 173 ~~is indigent for costs.~~ A monthly payment amount, calculated
 174 based upon all fees and all anticipated costs, may ~~is presumed~~
 175 ~~to correspond to the person's ability to pay if the amount does~~
 176 not exceed 2 percent of the person's annual net income, as
 177 defined in s. 27.52(1), divided by 12, without the consent of
 178 the applicant. The court may review the reasonableness of the
 179 payment plan.

180 (6) A clerk of court may ~~shall~~ pursue the collection of
 181 any fees, service charges, fines, court costs, and liens for the
 182 payment of attorney fees and costs pursuant to s. 938.29 which

183 remain unpaid after 90 days by referring the account to a
 184 private attorney who is a member in good standing of The Florida
 185 Bar or collection agent who is registered and in good standing
 186 pursuant to chapter 559. In pursuing the collection of such
 187 unpaid financial obligations through a private attorney or
 188 collection agent, the clerk of the court must attempt ~~have~~
 189 ~~attempted~~ to collect the unpaid amount through a collection
 190 court, collections docket, or other collections process, if any,
 191 established by the court, find this to be cost-effective and
 192 follow any applicable procurement practices. The collection fee,
 193 including any reasonable attorney ~~attorney's~~ fee, paid to any
 194 attorney or collection agent retained by the clerk may be added
 195 to the balance owed ~~in an amount not to exceed 40 percent of the~~
 196 ~~amount owed~~ at the time the account is referred to the attorney
 197 or agent for collection.

198 (a) If a clerk of court wishes to pursue collection by
 199 referring an account to a collection agent or private attorney
 200 as provided in this subsection, the clerk at least every 2 years
 201 shall competitively bid a contract with a collection agency or
 202 private attorney and shall accept the bidder with the lowest
 203 percentage surcharge added to the referred account.

204 (b) The clerk may not assess any collections transfer
 205 surcharge.

206 (c) The collection agency or private attorney may not
 207 impose any additional fees or surcharges other than their
 208 contractually agreed upon surcharge.

209 (d) The clerk shall give the private attorney or
 210 collection agent the application for the appointment of court-
 211 appointed counsel regardless of whether the court file is
 212 otherwise confidential from disclosure.

213 Section 3. Present paragraphs (b), (c), and (d) of
 214 subsection (1) of section 316.650, Florida Statutes, are
 215 redesignated as paragraphs (c), (d), and (e), respectively, a
 216 new paragraph (b) is added to that subsection, and present
 217 paragraph (c) of that section is amended, to read:

218 316.650 Traffic citations.—

219 (1)

220 (b) The traffic citation form must include language
 221 indicating that a person may enter into a payment plan with the
 222 clerk of court to pay a penalty. The form must also indicate
 223 that a person ordered to pay a penalty for a noncriminal traffic
 224 infraction who is unable to comply due to demonstrable financial
 225 hardship will be allowed by the court to satisfy payment by
 226 participating in community service pursuant to s. 318.18(8)(b).

227 (d)~~(e)~~ Notwithstanding paragraphs (a) and (c) ~~(b)~~, a
 228 traffic enforcement agency may produce uniform traffic citations
 229 by electronic means. Such citations must be consistent with the
 230 state traffic court rules and the procedures established by the
 231 department and must be appropriately numbered and inventoried.
 232 Affidavit-of-compliance forms may also be produced by electronic
 233 means.

234 Section 4. Subsection (4) is added to section 318.15,

235 Florida Statutes, to read:

236 318.15 Failure to comply with civil penalty or to appear;
 237 penalty.-

238 (4) Notwithstanding any other law, a person's driver
 239 license may not be suspended solely for failure to pay a penalty
 240 if the person demonstrates to the court that he or she is unable
 241 to pay the penalty. A person is considered unable to pay if the
 242 person provides documentation to the appropriate clerk of court
 243 evidencing that:

244 (a) The person receives reemployment assistance or
 245 unemployment compensation pursuant to chapter 443;

246 (b) The person is disabled and incapable of self-support
 247 or receives benefits under the federal Supplemental Security
 248 Income program or Social Security Disability Insurance program;

249 (c) The person receives temporary cash assistance pursuant
 250 to chapter 414;

251 (d) The person is making payments in accordance with a
 252 confirmed bankruptcy plan under chapter 11, chapter 12, or
 253 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
 254 101 et seq.;

255 (e) The person has been placed on a payment plan or
 256 payment plans with the clerk of court which in total exceed what
 257 is determined to be a reasonable payment plan pursuant to s.
 258 28.246(4); or

259 (f) The person has been determined to be indigent after
 260 filing an application with the clerk in accordance with s. 27.52

261 or s. 57.082.

262 Section 5. Paragraph (b) of subsection (8) of section
 263 318.18, Florida Statutes, is amended to read:

264 318.18 Amount of penalties.—The penalties required for a
 265 noncriminal disposition pursuant to s. 318.14 or a criminal
 266 offense listed in s. 318.17 are as follows:

267 (8)

268 (b)1.a. If a person has been ordered to pay a civil
 269 penalty for a noncriminal traffic infraction and the person is
 270 unable to comply with the court's order due to demonstrable
 271 financial hardship, the court shall allow the person to satisfy
 272 the civil penalty by participating in community service until
 273 the civil penalty is paid.

274 b. The court shall inquire regarding the person's ability
 275 to pay at the time the civil penalty is ordered.

276 c. If a court orders a person to perform community
 277 service, the person shall receive credit for the civil penalty
 278 at the specified hourly credit rate per hour of community
 279 service performed, and each hour of community service performed
 280 shall reduce the civil penalty by that amount.

281 2.a. As used in this paragraph, the term "specified hourly
 282 credit rate" means the wage rate that is specified in 29 U.S.C.
 283 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
 284 that is then in effect, and that an employer subject to such
 285 provision must pay per hour to each employee subject to such
 286 provision.

287 b. However, if a person ordered to perform community
 288 service has a trade or profession for which there is a community
 289 service need, the specified hourly credit rate for each hour of
 290 community service performed by that person shall be the average
 291 prevailing wage rate for the trade or profession that the
 292 community service agency needs.

293 3.a. The community service agency supervising the person
 294 shall record the number of hours of community service completed
 295 and the date the community service hours were completed. The
 296 community service agency shall submit the data to the clerk of
 297 court on the letterhead of the community service agency, which
 298 must also bear the notarized signature of the person designated
 299 to represent the community service agency.

300 b. When the number of community service hours completed by
 301 the person equals the amount of the civil penalty, the clerk of
 302 court shall certify this fact to the court. Thereafter, the
 303 clerk of court shall record in the case file that the civil
 304 penalty has been paid in full.

305 4. As used in this paragraph, the term:

306 a. "Community service" means uncompensated labor for a
 307 community service agency.

308 b. "Community service agency" means a not-for-profit
 309 corporation, community organization, charitable organization,
 310 public officer, the state or any political subdivision of the
 311 state, or any other body the purpose of which is to improve the
 312 quality of life or social welfare of the community and which

313 | agrees to accept community service from persons unable to pay
 314 | civil penalties for noncriminal traffic infractions.

315 | Section 6. Subsections (1) through (4) of section 322.055,
 316 | Florida Statutes, are amended to read:

317 | 322.055 Revocation or suspension of, or delay of
 318 | eligibility for, driver license for persons 18 years of age or
 319 | older convicted of certain drug offenses.—

320 | (1) Notwithstanding s. 322.28, upon the conviction of a
 321 | person 18 years of age or older for possession or sale of,
 322 | trafficking in, or conspiracy to possess, sell, or traffic in a
 323 | controlled substance, the court shall direct the department to
 324 | revoke the driver license or driving privilege of the person.
 325 | The period of such revocation shall be 6 months ~~1 year~~ or until
 326 | the person is evaluated for and, if deemed necessary by the
 327 | evaluating agency, completes a drug treatment and rehabilitation
 328 | program approved or regulated by the Department of Children and
 329 | Families. However, the court may, in its sound discretion,
 330 | direct the department to issue a license for driving privilege
 331 | restricted to business or employment purposes only, as defined
 332 | by s. 322.271, if the person is otherwise qualified for such a
 333 | license. A driver whose license or driving privilege has been
 334 | suspended or revoked under this section or s. 322.056 may, upon
 335 | the expiration of 6 months, petition the department for
 336 | restoration of the driving privilege on a restricted or
 337 | unrestricted basis depending on length of suspension or
 338 | revocation. In no case shall a restricted license be available

339 until 6 months of the suspension or revocation period has
 340 expired.

341 (2) If a person 18 years of age or older is convicted for
 342 the possession or sale of, trafficking in, or conspiracy to
 343 possess, sell, or traffic in a controlled substance and such
 344 person is eligible by reason of age for a driver license or
 345 privilege, the court shall direct the department to withhold
 346 issuance of such person's driver license or driving privilege
 347 for a period of 6 months ~~1 year~~ after the date the person was
 348 convicted or until the person is evaluated for and, if deemed
 349 necessary by the evaluating agency, completes a drug treatment
 350 and rehabilitation program approved or regulated by the
 351 Department of Children and Families. However, the court may, in
 352 its sound discretion, direct the department to issue a license
 353 for driving privilege restricted to business or employment
 354 purposes only, as defined by s. 322.271, if the person is
 355 otherwise qualified for such a license. A driver whose license
 356 or driving privilege has been suspended or revoked under this
 357 section or s. 322.056 may, upon the expiration of 6 months,
 358 petition the department for restoration of the driving privilege
 359 on a restricted or unrestricted basis depending on the length of
 360 suspension or revocation. In no case shall a restricted license
 361 be available until 6 months of the suspension or revocation
 362 period has expired.

363 (3) If a person 18 years of age or older is convicted for
 364 the possession or sale of, trafficking in, or conspiracy to

365 possess, sell, or traffic in a controlled substance and such
 366 person's driver license or driving privilege is already under
 367 suspension or revocation for any reason, the court shall direct
 368 the department to extend the period of such suspension or
 369 revocation by an additional period of 6 months ~~1-year~~ or until
 370 the person is evaluated for and, if deemed necessary by the
 371 evaluating agency, completes a drug treatment and rehabilitation
 372 program approved or regulated by the Department of Children and
 373 Families. However, the court may, in its sound discretion,
 374 direct the department to issue a license for driving privilege
 375 restricted to business or employment purposes only, as defined
 376 by s. 322.271, if the person is otherwise qualified for such a
 377 license. A driver whose license or driving privilege has been
 378 suspended or revoked under this section or s. 322.056 may, upon
 379 the expiration of 6 months, petition the department for
 380 restoration of the driving privilege on a restricted or
 381 unrestricted basis depending on the length of suspension or
 382 revocation. In no case shall a restricted license be available
 383 until 6 months of the suspension or revocation period has
 384 expired.

385 (4) If a person 18 years of age or older is convicted for
 386 the possession or sale of, trafficking in, or conspiracy to
 387 possess, sell, or traffic in a controlled substance and such
 388 person is ineligible by reason of age for a driver license or
 389 driving privilege, the court shall direct the department to
 390 withhold issuance of such person's driver license or driving

391 privilege for a period of 6 months ~~1-year~~ after the date that he
 392 or she would otherwise have become eligible or until he or she
 393 becomes eligible by reason of age for a driver license and is
 394 evaluated for and, if deemed necessary by the evaluating agency,
 395 completes a drug treatment and rehabilitation program approved
 396 or regulated by the Department of Children and Families.
 397 However, the court may, in its sound discretion, direct the
 398 department to issue a license for driving privilege restricted
 399 to business or employment purposes only, as defined by s.
 400 322.271, if the person is otherwise qualified for such a
 401 license. A driver whose license or driving privilege has been
 402 suspended or revoked under this section or s. 322.056 may, upon
 403 the expiration of 6 months, petition the department for
 404 restoration of the driving privilege on a restricted or
 405 unrestricted basis depending on the length of suspension or
 406 revocation. In no case shall a restricted license be available
 407 until 6 months of the suspension or revocation period has
 408 expired.

409 Section 7. Section 322.056, Florida Statutes, is amended
 410 to read:

411 322.056 Mandatory revocation or suspension of, or delay of
 412 eligibility for, driver license for persons under age 18 found
 413 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;
 414 prohibition.—

415 (1) Notwithstanding the provisions of s. 322.055, if a
 416 person under 18 years of age is found guilty of or delinquent

417 for a violation of ~~s. 562.11(2), s. 562.111,~~ or chapter 893,
 418 and:

419 (a) The person is eligible by reason of age for a driver
 420 license or driving privilege, the court shall direct the
 421 department to revoke or to withhold issuance of his or her
 422 driver license or driving privilege for a period of 6 months.÷

423 ~~1. Not less than 6 months and not more than 1 year for the~~
 424 ~~first violation.~~

425 ~~2. Two years, for a subsequent violation.~~

426 (b) The person's driver license or driving privilege is
 427 under suspension or revocation for any reason, the court shall
 428 direct the department to extend the period of suspension or
 429 revocation by an additional period of 6 months.÷

430 ~~1. Not less than 6 months and not more than 1 year for the~~
 431 ~~first violation.~~

432 ~~2. Two years, for a subsequent violation.~~

433 (c) The person is ineligible by reason of age for a driver
 434 license or driving privilege, the court shall direct the
 435 department to withhold issuance of his or her driver license or
 436 driving privilege for a period of÷

437 ~~1. Not less than 6 months and not more than 1 year after~~
 438 ~~the date on which he or she would otherwise have become~~
 439 ~~eligible, for the first violation.~~

440 ~~2. Two years after the date on which he or she would~~
 441 ~~otherwise have become eligible, for a subsequent violation.~~

442

443 ~~However, the court may, in its sound discretion, direct the~~
 444 ~~department to issue a license for driving privileges restricted~~
 445 ~~to business or employment purposes only, as defined in s.~~
 446 ~~322.271, if the person is otherwise qualified for such a~~
 447 ~~license.~~

448 ~~(2) If a person under 18 years of age is found by the~~
 449 ~~court to have committed a noncriminal violation under s. 569.11~~
 450 ~~or s. 877.112(6) or (7) and that person has failed to comply~~
 451 ~~with the procedures established in that section by failing to~~
 452 ~~fulfill community service requirements, failing to pay the~~
 453 ~~applicable fine, or failing to attend a locally available~~
 454 ~~school-approved anti-tobacco program, and:~~

455 ~~(a) The person is eligible by reason of age for a driver~~
 456 ~~license or driving privilege, the court shall direct the~~
 457 ~~department to revoke or to withhold issuance of his or her~~
 458 ~~driver license or driving privilege as follows:~~

- 459 ~~1. For the first violation, for 30 days.~~
- 460 ~~2. For the second violation within 12 weeks of the first~~
 461 ~~violation, for 45 days.~~

462 ~~(b) The person's driver license or driving privilege is~~
 463 ~~under suspension or revocation for any reason, the court shall~~
 464 ~~direct the department to extend the period of suspension or~~
 465 ~~revocation by an additional period as follows:~~

- 466 ~~1. For the first violation, for 30 days.~~
- 467 ~~2. For the second violation within 12 weeks of the first~~
 468 ~~violation, for 45 days.~~

469 ~~(c) The person is ineligible by reason of age for a driver~~
470 ~~license or driving privilege, the court shall direct the~~
471 ~~department to withhold issuance of his or her driver license or~~
472 ~~driving privilege as follows:~~

473 ~~1. For the first violation, for 30 days.~~

474 ~~2. For the second violation within 12 weeks of the first~~
475 ~~violation, for 45 days.~~

476
477 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
478 ~~within the 12-week period after the first violation will be~~
479 ~~treated as a first violation and in the same manner as provided~~
480 ~~in this subsection.~~

481 ~~(3) If a person under 18 years of age is found by the~~
482 ~~court to have committed a third violation of s. 569.11 or s.~~
483 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
484 ~~court must direct the Department of Highway Safety and Motor~~
485 ~~Vehicles to suspend or withhold issuance of his or her driver~~
486 ~~license or driving privilege for 60 consecutive days. Any third~~
487 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
488 ~~12-week period after the first violation will be treated as a~~
489 ~~first violation and in the same manner as provided in subsection~~
490 ~~(2).~~

491 ~~(2)(4)~~ A penalty imposed under this section shall be in
492 addition to any other penalty imposed by law.

493 ~~(5) The suspension or revocation of a person's driver~~
494 ~~license imposed pursuant to subsection (2) or subsection (3),~~

495 ~~shall not result in or be cause for an increase of the convicted~~
 496 ~~person's, or his or her parent's or legal guardian's, automobile~~
 497 ~~insurance rate or premium or result in points assessed against~~
 498 ~~the person's driving record.~~

499 Section 8. Section 322.057, Florida Statutes, is repealed.

500 Section 9. Subsection (3) of section 322.09, Florida
 501 Statutes, is amended, and present subsections (4) and (5) of
 502 that section are redesignated as subsections (3) and (4),
 503 respectively, to read:

504 322.09 Application of minors; responsibility for
 505 negligence or misconduct of minor.—

506 ~~(3) The department may not issue a driver license or~~
 507 ~~learner's driver license to any applicant under the age of 18~~
 508 ~~years who is not in compliance with the requirements of s.~~
 509 ~~322.091.~~

510 Section 10. Section 322.091, Florida Statutes, is
 511 repealed.

512 Section 11. Subsection (6) is added to section 322.245,
 513 Florida Statutes, to read:

514 322.245 Suspension of license upon failure of person
 515 charged with specified offense under chapter 316, chapter 320,
 516 or this chapter to comply with directives ordered by traffic
 517 court or upon failure to pay child support in non-IV-D cases as
 518 provided in chapter 61 or failure to pay any financial
 519 obligation in any other criminal case.—

520 (6) Notwithstanding any other law, a person's driver

521 license may not be suspended solely for failure to pay a penalty
522 or court obligation if the person demonstrates to the court that
523 he or she is unable to pay the penalty or court obligation. A
524 person is considered unable to pay if the person provides
525 documentation to the appropriate clerk of court evidencing that:

526 (a) The person receives reemployment assistance or
527 unemployment compensation pursuant to chapter 443;

528 (b) The person is disabled and incapable of self-support
529 or receives benefits under the federal Supplemental Security
530 Income program or Social Security Disability Insurance program;

531 (c) The person receives temporary cash assistance pursuant
532 to chapter 414;

533 (d) The person is making payments in accordance with a
534 confirmed bankruptcy plan under chapter 11, chapter 12, or
535 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
536 101 et seq.;

537 (e) The person has been placed on a payment plan or
538 payment plans with the clerk of court which in total exceed what
539 is determined to be a reasonable payment plan pursuant to s.
540 28.246(4); or

541 (f) The person has been determined to be indigent after
542 filing an application with the clerk in accordance with s. 27.52
543 or s. 57.082.

544 Section 12. Subsection (7) of section 322.251, Florida
545 Statutes, is repealed.

546 Section 13. Section 13. Subsection (8) is added to

547 section 322.271, Florida Statutes, to read:

548 322.271 Authority to modify revocation, cancellation, or
 549 suspension order.—

550 (8) A person whose driver license or privilege to drive
 551 has been suspended under s. 318.15 or s. 322.245 may have his or
 552 her driver license or driving privilege reinstated on a
 553 restricted basis by the department in accordance with this
 554 section.

555 Section 14. Subsection (10) of section 322.34, Florida
 556 Statutes, is amended to read:

557 322.34 Driving while license suspended, revoked, canceled,
 558 or disqualified.—

559 (10) (a) Notwithstanding any other provision of this
 560 section, if a person does not have a prior forcible felony
 561 conviction as defined in s. 776.08, the penalties provided in
 562 paragraph (b) apply if a person's driver license or driving
 563 privilege is canceled, suspended, or revoked for:

564 1. Failing to pay child support as provided in s. 322.245
 565 or s. 61.13016;

566 2. Failing to pay any other financial obligation as
 567 provided in s. 322.245 ~~other than those specified in s.~~
 568 ~~322.245(1);~~

569 3. Failing to comply with a civil penalty required in s.
 570 318.15;

571 4. Failing to maintain vehicular financial responsibility
 572 as required by chapter 324; or

573 ~~5. Failing to comply with attendance or other requirements~~
 574 ~~for minors as set forth in s. 322.091; or~~

575 5.6. Having been designated a habitual traffic offender
 576 under s. 322.264(1)(d) as a result of suspensions of his or her
 577 driver license or driver privilege for any underlying violation
 578 listed in subparagraphs 1.-4. ~~1.-5.~~

579 (b)1. Upon a first conviction for knowingly driving while
 580 his or her license is suspended, revoked, or canceled for any of
 581 the underlying violations listed in subparagraphs (a)1.-5.
 582 ~~(a)1.-6.~~, a person commits a misdemeanor of the second degree,
 583 punishable as provided in s. 775.082 or s. 775.083.

584 2. Upon a second or subsequent conviction for the same
 585 offense of knowingly driving while his or her license is
 586 suspended, revoked, or canceled for any of the underlying
 587 violations listed in subparagraphs (a)1.-5. ~~(a)1.-6.~~, a person
 588 commits a misdemeanor of the first degree, punishable as
 589 provided in s. 775.082 or s. 775.083.

590 Section 15. Paragraph (a) of subsection (1) of section
 591 562.11, Florida Statutes, is amended to read:

592 562.11 Selling, giving, or serving alcoholic beverages to
 593 person under age 21; providing a proper name; misrepresenting or
 594 misstating age or age of another to induce licensee to serve
 595 alcoholic beverages to person under 21; penalties.-

596 (1) ~~(a)1.~~ A person may not sell, give, serve, or permit to
 597 be served alcoholic beverages to a person under 21 years of age
 598 or permit a person under 21 years of age to consume such

599 beverages on the licensed premises. A person who violates this
 600 subparagraph commits a misdemeanor of the second degree,
 601 punishable as provided in s. 775.082 or s. 775.083. A person who
 602 violates this subparagraph a second or subsequent time within 1
 603 year after a prior conviction commits a misdemeanor of the first
 604 degree, punishable as provided in s. 775.082 or s. 775.083.

605 ~~2. In addition to any other penalty imposed for a~~
 606 ~~violation of subparagraph 1., the court may order the Department~~
 607 ~~of Highway Safety and Motor Vehicles to withhold the issuance~~
 608 ~~of, or suspend or revoke, the driver license or driving~~
 609 ~~privilege, as provided in s. 322.057, of any person who violates~~
 610 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
 611 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
 612 ~~acting within the scope of his or her license or an employee or~~
 613 ~~agent of a licensee, as defined in s. 561.01, who violates~~
 614 ~~subparagraph 1. while engaged within the scope of his or her~~
 615 ~~employment or agency.~~

616 ~~3. A court that withholds the issuance of, or suspends or~~
 617 ~~revokes, the driver license or driving privilege of a person~~
 618 ~~pursuant to subparagraph 2. may direct the Department of Highway~~
 619 ~~Safety and Motor Vehicles to issue the person a license for~~
 620 ~~driving privilege restricted to business purposes only, as~~
 621 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

622 Section 16. Subsection (3) of section 562.111, Florida
 623 Statutes, is repealed.

624 Section 17. Subsections (1), (2), and (5) of section

625 569.11, Florida Statutes, are amended to read:

626 569.11 Possession, misrepresenting age or military service
 627 to purchase, and purchase of tobacco products by persons under
 628 18 years of age prohibited; penalties; jurisdiction; disposition
 629 of fines.—

630 (1) It is unlawful for any person under 18 years of age to
 631 knowingly possess any tobacco product. Any person under 18 years
 632 of age who violates the provisions of this subsection commits a
 633 noncriminal violation as provided in s. 775.08(3), punishable
 634 by:

635 (a) For a first violation, 16 hours of community service
 636 or, instead of community service, a \$25 fine. In addition, the
 637 person must attend a school-approved anti-tobacco program, if
 638 locally available; or

639 (b) For a second or subsequent violation within 12 weeks
 640 of the first violation, a \$25 fine. ~~;~~ ~~or~~

641 ~~(c) For a third or subsequent violation within 12 weeks of~~
 642 ~~the first violation, the court must direct the Department of~~
 643 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 644 ~~suspend or revoke the person's driver license or driving~~
 645 ~~privilege, as provided in s. 322.056.~~

646
 647 Any second or subsequent violation not within the 12-week time
 648 period after the first violation is punishable as provided for a
 649 first violation.

650 (2) It is unlawful for any person under 18 years of age to

651 misrepresent his or her age or military service for the purpose
 652 of inducing a dealer or an agent or employee of the dealer to
 653 sell, give, barter, furnish, or deliver any tobacco product, or
 654 to purchase, or attempt to purchase, any tobacco product from a
 655 person or a vending machine. Any person under 18 years of age
 656 who violates a provision of this subsection commits a
 657 noncriminal violation as provided in s. 775.08(3), punishable
 658 by:

659 (a) For a first violation, 16 hours of community service
 660 or, instead of community service, a \$25 fine and, in addition,
 661 the person must attend a school-approved anti-tobacco program,
 662 if available; or

663 (b) For a second or subsequent violation within 12 weeks
 664 of the first violation, a \$25 fine. ~~;~~ ~~or~~

665 ~~(c) For a third or subsequent violation within 12 weeks of~~
 666 ~~the first violation, the court must direct the Department of~~
 667 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 668 ~~suspend or revoke the person's driver license or driving~~
 669 ~~privilege, as provided in s. 322.056.~~

670
 671 Any second or subsequent violation not within the 12-week time
 672 period after the first violation is punishable as provided for a
 673 first violation.

674 (5) (a) If a person under 18 years of age is found by the
 675 court to have committed a noncriminal violation under this
 676 section and that person has failed to complete community

677 service, pay the fine as required by paragraph (1) (a) or
 678 paragraph (2) (a), or attend a school-approved anti-tobacco
 679 program, if locally available, the court may ~~must~~ direct the
 680 Department of Highway Safety and Motor Vehicles to withhold
 681 issuance of or suspend the driver license or driving privilege
 682 of that person for a period of 30 consecutive days.

683 (b) If a person under 18 years of age is found by the
 684 court to have committed a noncriminal violation under this
 685 section and that person has failed to pay the applicable fine as
 686 required by paragraph (1) (b) or paragraph (2) (b), the court may
 687 ~~must~~ direct the Department of Highway Safety and Motor Vehicles
 688 to withhold issuance of or suspend the driver license or driving
 689 privilege of that person for a period of 45 consecutive days.

690 Section 18. Subsections (5) and (10) of section 790.22,
 691 Florida Statutes, are amended to read:

692 790.22 Use of BB guns, air or gas-operated guns, or
 693 electric weapons or devices by minor under 16; limitation;
 694 possession of firearms by minor under 18 prohibited; penalties.—

695 (5) (a) A minor who violates subsection (3) commits a
 696 misdemeanor of the first degree; for a first offense, may serve
 697 a period of detention of up to 3 days in a secure detention
 698 facility; and, in addition to any other penalty provided by law,
 699 shall be required to perform 100 hours of community service. †
 700 ~~and:~~

701 ~~1. If the minor is eligible by reason of age for a driver~~
 702 ~~license or driving privilege, the court shall direct the~~

703 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 704 ~~withhold issuance of the minor's driver license or driving~~
 705 ~~privilege for up to 1 year.~~

706 ~~2. If the minor's driver license or driving privilege is~~
 707 ~~under suspension or revocation for any reason, the court shall~~
 708 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 709 ~~extend the period of suspension or revocation by an additional~~
 710 ~~period of up to 1 year.~~

711 ~~3. If the minor is ineligible by reason of age for a~~
 712 ~~driver license or driving privilege, the court shall direct the~~
 713 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 714 ~~issuance of the minor's driver license or driving privilege for~~
 715 ~~up to 1 year after the date on which the minor would otherwise~~
 716 ~~have become eligible.~~

717 (b) For a second or subsequent offense, a minor who
 718 violates subsection (3) commits a felony of the third degree and
 719 shall serve a period of detention of up to 15 days in a secure
 720 detention facility and shall be required to perform not less
 721 than 100 ~~or not~~ more than 250 hours of community service. 7 ~~and:~~

722 ~~1. If the minor is eligible by reason of age for a driver~~
 723 ~~license or driving privilege, the court shall direct the~~
 724 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 725 ~~withhold issuance of the minor's driver license or driving~~
 726 ~~privilege for up to 2 years.~~

727 ~~2. If the minor's driver license or driving privilege is~~
 728 ~~under suspension or revocation for any reason, the court shall~~

729 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 730 ~~extend the period of suspension or revocation by an additional~~
 731 ~~period of up to 2 years.~~

732 ~~3. If the minor is ineligible by reason of age for a~~
 733 ~~driver license or driving privilege, the court shall direct the~~
 734 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 735 ~~issuance of the minor's driver license or driving privilege for~~
 736 ~~up to 2 years after the date on which the minor would otherwise~~
 737 ~~have become eligible.~~

738
 739 For the purposes of this subsection, community service shall be
 740 performed, if possible, in a manner involving a hospital
 741 emergency room or other medical environment that deals on a
 742 regular basis with trauma patients and gunshot wounds.

743 ~~(10) If a minor is found to have committed an offense~~
 744 ~~under subsection (9), the court shall impose the following~~
 745 ~~penalties in addition to any penalty imposed under paragraph~~
 746 ~~(9) (a) or paragraph (9) (b):~~

747 ~~(a) For a first offense:~~

748 ~~1. If the minor is eligible by reason of age for a driver~~
 749 ~~license or driving privilege, the court shall direct the~~
 750 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 751 ~~withhold issuance of the minor's driver license or driving~~
 752 ~~privilege for up to 1 year.~~

753 ~~2. If the minor's driver license or driving privilege is~~
 754 ~~under suspension or revocation for any reason, the court shall~~

755 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 756 ~~extend the period of suspension or revocation by an additional~~
 757 ~~period for up to 1 year.~~

758 ~~3. If the minor is ineligible by reason of age for a~~
 759 ~~driver license or driving privilege, the court shall direct the~~
 760 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 761 ~~issuance of the minor's driver license or driving privilege for~~
 762 ~~up to 1 year after the date on which the minor would otherwise~~
 763 ~~have become eligible.~~

764 ~~(b) For a second or subsequent offense:~~

765 ~~1. If the minor is eligible by reason of age for a driver~~
 766 ~~license or driving privilege, the court shall direct the~~
 767 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 768 ~~withhold issuance of the minor's driver license or driving~~
 769 ~~privilege for up to 2 years.~~

770 ~~2. If the minor's driver license or driving privilege is~~
 771 ~~under suspension or revocation for any reason, the court shall~~
 772 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 773 ~~extend the period of suspension or revocation by an additional~~
 774 ~~period for up to 2 years.~~

775 ~~3. If the minor is ineligible by reason of age for a~~
 776 ~~driver license or driving privilege, the court shall direct the~~
 777 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 778 ~~issuance of the minor's driver license or driving privilege for~~
 779 ~~up to 2 years after the date on which the minor would otherwise~~
 780 ~~have become eligible.~~

781 Section 19. Subsections (7) and (8) of section 806.13,
 782 Florida Statutes, are amended, and present subsection (9) of
 783 that section is redesignated as subsection (7), to read:

784 806.13 Criminal mischief; penalties; penalty for minor.—

785 ~~(7) In addition to any other penalty provided by law, if a~~
 786 ~~minor is found to have committed a delinquent act under this~~
 787 ~~section for placing graffiti on any public property or private~~
 788 ~~property, and:~~

789 ~~(a) The minor is eligible by reason of age for a driver~~
 790 ~~license or driving privilege, the court shall direct the~~
 791 ~~Department of Highway Safety and Motor Vehicles to revoke or~~
 792 ~~withhold issuance of the minor's driver license or driving~~
 793 ~~privilege for not more than 1 year.~~

794 ~~(b) The minor's driver license or driving privilege is~~
 795 ~~under suspension or revocation for any reason, the court shall~~
 796 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 797 ~~extend the period of suspension or revocation by an additional~~
 798 ~~period of not more than 1 year.~~

799 ~~(c) The minor is ineligible by reason of age for a driver~~
 800 ~~license or driving privilege, the court shall direct the~~
 801 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 802 ~~issuance of the minor's driver license or driving privilege for~~
 803 ~~not more than 1 year after the date on which he or she would~~
 804 ~~otherwise have become eligible.~~

805 ~~(8) A minor whose driver license or driving privilege is~~
 806 ~~revoked, suspended, or withheld under subsection (7) may elect~~

807 ~~to reduce the period of revocation, suspension, or withholding~~
 808 ~~by performing community service at the rate of 1 day for each~~
 809 ~~hour of community service performed. In addition, if the court~~
 810 ~~determines that due to a family hardship, the minor's driver~~
 811 ~~license or driving privilege is necessary for employment or~~
 812 ~~medical purposes of the minor or a member of the minor's family,~~
 813 ~~the court shall order the minor to perform community service and~~
 814 ~~reduce the period of revocation, suspension, or withholding at~~
 815 ~~the rate of 1 day for each hour of community service performed.~~
 816 ~~As used in this subsection, the term "community service" means~~
 817 ~~cleaning graffiti from public property.~~

818 Section 20. Section 812.0155, Florida Statutes, is
 819 repealed.

820 Section 21. Section 832.09, Florida Statutes, is repealed.

821 Section 22. Subsections (6) and (7) and paragraphs (c) and
 822 (d) of subsection (8) of section 877.112, Florida Statutes, are
 823 amended to read:

824 877.112 Nicotine products and nicotine dispensing devices;
 825 prohibitions for minors; penalties; civil fines; signage
 826 requirements; preemption.—

827 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR
 828 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any
 829 person under 18 years of age to knowingly possess any nicotine
 830 product or a nicotine dispensing device. Any person under 18
 831 years of age who violates this subsection commits a noncriminal
 832 violation as defined in s. 775.08(3), punishable by:

833 (a) For a first violation, 16 hours of community service
 834 or, instead of community service, a \$25 fine. In addition, the
 835 person must attend a school-approved anti-tobacco and nicotine
 836 program, if locally available; or

837 (b) For a second or subsequent violation within 12 weeks
 838 of the first violation, a \$25 fine. ~~;~~ ~~or~~

839 ~~(c) For a third or subsequent violation within 12 weeks of~~
 840 ~~the first violation, the court must direct the Department of~~
 841 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 842 ~~suspend or revoke the person's driver license or driving~~
 843 ~~privilege, as provided in s. 322.056.~~

844
 845 Any second or subsequent violation not within the 12-week time
 846 period after the first violation is punishable as provided for a
 847 first violation.

848 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
 849 any person under 18 years of age to misrepresent his or her age
 850 or military service for the purpose of inducing a retailer of
 851 nicotine products or nicotine dispensing devices or an agent or
 852 employee of such retailer to sell, give, barter, furnish, or
 853 deliver any nicotine product or nicotine dispensing device, or
 854 to purchase, or attempt to purchase, any nicotine product or
 855 nicotine dispensing device from a person or a vending machine.
 856 Any person under 18 years of age who violates this subsection
 857 commits a noncriminal violation as defined in s. 775.08(3),
 858 punishable by:

859 (a) For a first violation, 16 hours of community service
 860 or, instead of community service, a \$25 fine and, in addition,
 861 the person must attend a school-approved anti-tobacco and
 862 nicotine program, if available; or

863 (b) For a second or subsequent violation within 12 weeks
 864 of the first violation, a \$25 fine. ~~;~~ ~~or~~

865 ~~(c) For a third or subsequent violation within 12 weeks of~~
 866 ~~the first violation, the court must direct the Department of~~
 867 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 868 ~~suspend or revoke the person's driver license or driving~~
 869 ~~privilege, as provided in s. 322.056.~~

870
 871 Any second or subsequent violation not within the 12-week time
 872 period after the first violation is punishable as provided for a
 873 first violation.

874 (8) PENALTIES FOR MINORS.—

875 (c) If a person under 18 years of age is found by the
 876 court to have committed a noncriminal violation under this
 877 section and that person has failed to complete community
 878 service, pay the fine as required by paragraph (6) (a) or
 879 paragraph (7) (a), or attend a school-approved anti-tobacco and
 880 nicotine program, if locally available, the court may ~~must~~
 881 direct the Department of Highway Safety and Motor Vehicles to
 882 withhold issuance of or suspend the driver license or driving
 883 privilege of that person for 30 consecutive days.

884 (d) If a person under 18 years of age is found by the

885 | court to have committed a noncriminal violation under this
 886 | section and that person has failed to pay the applicable fine as
 887 | required by paragraph (6) (b) or paragraph (7) (b), the court may
 888 | ~~must~~ direct the Department of Highway Safety and Motor Vehicles
 889 | to withhold issuance of or suspend the driver license or driving
 890 | privilege of that person for 45 consecutive days.

891 | Section 23. Subsection (2) of section 938.30, Florida
 892 | Statutes, is amended to read:

893 | 938.30 Financial obligations in criminal cases;
 894 | supplementary proceedings.—

895 | (2) The court may require a person liable for payment of
 896 | an obligation to appear and be examined under oath concerning
 897 | the person's financial ability to pay the obligation. The judge
 898 | may convert the statutory financial obligation into a court-
 899 | ordered obligation to perform community service, subject to the
 900 | provisions of s. 318.18(8), after examining a person under oath
 901 | and determining the person's inability to pay, or by reliance
 902 | upon information provided under s. 27.52(1)(a)6. Any person who
 903 | fails to attend a hearing may be arrested on warrant or capias
 904 | issued by the clerk upon order of the court.

905 | Section 24. Subsection (2) of section 1003.27, Florida
 906 | Statutes, is amended to read:

907 | 1003.27 Court procedure and penalties.—The court procedure
 908 | and penalties for the enforcement of the provisions of this
 909 | part, relating to compulsory school attendance, shall be as
 910 | follows:

911 (2) NONENROLLMENT AND NONATTENDANCE CASES.—
 912 (a) In each case of nonenrollment or of nonattendance upon
 913 the part of a student who is required to attend some school,
 914 when no valid reason for such nonenrollment or nonattendance is
 915 found, the district school superintendent shall institute a
 916 criminal prosecution against the student's parent.
 917 ~~(b) Each public school principal or the principal's~~
 918 ~~designee shall notify the district school board of each minor~~
 919 ~~student under its jurisdiction who accumulates 15 unexcused~~
 920 ~~absences in a period of 90 calendar days. Each designee of the~~
 921 ~~governing body of each private school, and each parent whose~~
 922 ~~child is enrolled in a home education program, may provide the~~
 923 ~~Department of Highway Safety and Motor Vehicles with the legal~~
 924 ~~name, sex, date of birth, and social security number of each~~
 925 ~~minor student under his or her jurisdiction who fails to satisfy~~
 926 ~~relevant attendance requirements and who fails to otherwise~~
 927 ~~satisfy the requirements of s. 322.091. The district school~~
 928 ~~superintendent must provide the Department of Highway Safety and~~
 929 ~~Motor Vehicles the legal name, sex, date of birth, and social~~
 930 ~~security number of each minor student who has been reported~~
 931 ~~under this paragraph and who fails to otherwise satisfy the~~
 932 ~~requirements of s. 322.091. The Department of Highway Safety and~~
 933 ~~Motor Vehicles may not issue a driver license or learner's~~
 934 ~~driver license to, and shall suspend any previously issued~~
 935 ~~driver license or learner's driver license of, any such minor~~
 936 ~~student, pursuant to the provisions of s. 322.091.~~

937 Section 25. Paragraph (a) of subsection (10) of section
938 318.14, Florida Statutes, is amended to read:

939 318.14 Noncriminal traffic infractions; exception;
940 procedures.—

941 (10) (a) Any person who does not hold a commercial driver
942 license or commercial learner's permit and who is cited while
943 driving a noncommercial motor vehicle for an offense listed
944 under this subsection may, in lieu of payment of fine or court
945 appearance, elect to enter a plea of nolo contendere and provide
946 proof of compliance to the clerk of the court, designated
947 official, or authorized operator of a traffic violations bureau.
948 In such case, adjudication shall be withheld; however, a person
949 may not make an election under this subsection if the person has
950 made an election under this subsection in the preceding 12
951 months. A person may not make more than three elections under
952 this subsection. This subsection applies to the following
953 offenses:

954 1. Operating a motor vehicle without a valid driver
955 license in violation of s. 322.03, s. 322.065, or s. 322.15(1),
956 or operating a motor vehicle with a license that has been
957 suspended for failure to appear, failure to pay civil penalty,
958 or failure to attend a driver improvement course pursuant to s.
959 322.291.

960 2. Operating a motor vehicle without a valid registration
961 in violation of s. 320.0605, s. 320.07, or s. 320.131.

962 3. Operating a motor vehicle in violation of s. 316.646.

963 4. Operating a motor vehicle with a license that has been
 964 suspended under s. 61.13016 or s. 322.245 for failure to pay
 965 child support or for failure to pay any other financial
 966 obligation as provided in s. 322.245; however, this subparagraph
 967 does not apply if the license has been suspended pursuant to s.
 968 322.245(1).

969 ~~5. Operating a motor vehicle with a license that has been~~
 970 ~~suspended under s. 322.091 for failure to meet school attendance~~
 971 ~~requirements.~~

972 Section 26. Subsections (1) and (2) of section 322.05,
 973 Florida Statutes, are amended to read:

974 322.05 Persons not to be licensed.—The department may not
 975 issue a license:

976 (1) To a person who is under the age of 16 years, except
 977 that the department may issue a learner's driver license to a
 978 person who is at least 15 years of age and who meets the
 979 requirements of s. 322.1615 ~~ss. 322.091 and 322.1615~~ and of any
 980 other applicable law or rule.

981 (2) To a person who is at least 16 years of age but is
 982 under 18 years of age ~~unless the person meets the requirements~~
 983 ~~of s. 322.091~~ and holds a valid:

984 (a) Learner's driver license for at least 12 months, with
 985 no moving traffic convictions, before applying for a license;

986 (b) Learner's driver license for at least 12 months and
 987 who has a moving traffic conviction but elects to attend a
 988 traffic driving school for which adjudication must be withheld

989 pursuant to s. 318.14; or

990 (c) License that was issued in another state or in a
 991 foreign jurisdiction and that would not be subject to suspension
 992 or revocation under the laws of this state.

993 Section 27. Paragraph (i) of subsection (2) of section
 994 397.951, Florida Statutes, is amended to read:

995 397.951 Treatment and sanctions.—The Legislature
 996 recognizes that the integration of treatment and sanctions
 997 greatly increases the effectiveness of substance abuse
 998 treatment. It is the responsibility of the department and the
 999 substance abuse treatment provider to employ the full measure of
 1000 sanctions available to require participation and completion of
 1001 treatment to ensure successful outcomes for children in
 1002 substance abuse treatment.

1003 (2) The department shall ensure that substance abuse
 1004 treatment providers employ any and all appropriate available
 1005 sanctions necessary to engage, motivate, and maintain a child in
 1006 treatment, including, but not limited to, provisions in law
 1007 that:

1008 (i) Provide that, pursuant to s. 322.056, for any person
 1009 under 18 years of age who is found guilty of or delinquent for a
 1010 violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893, and is
 1011 eligible by reason of age for a driver license or driving
 1012 privilege, the court shall direct the Department of Highway
 1013 Safety and Motor Vehicles to revoke or to withhold issuance of
 1014 his or her driver license or driving privilege for a period of 6

1015 months.~~±~~

1016 ~~1. Not less than 6 months and not more than 1 year for the~~

1017 ~~first violation.~~

1018 ~~2. Two years, for a subsequent violation.~~

1019 Section 28. Subsection (9) of section 1003.01, Florida

1020 Statutes, is amended to read:

1021 1003.01 Definitions.—As used in this chapter, the term:

1022 (9) "Dropout" means a student who meets any one or more of

1023 the following criteria:

1024 (a) The student has voluntarily removed himself or herself

1025 from the school system before graduation for reasons that

1026 include, but are not limited to, marriage, or the student has

1027 withdrawn from school because he or she has failed the statewide

1028 student assessment test and thereby does not receive any of the

1029 certificates of completion;

1030 (b) The student has not met the relevant attendance

1031 requirements of the school district pursuant to State Board of

1032 Education rules, or the student was expected to attend a school

1033 but did not enter as expected for unknown reasons, or the

1034 student's whereabouts are unknown;

1035 (c) The student has withdrawn from school, but has not

1036 transferred to another public or private school or enrolled in

1037 any career, adult, home education, or alternative educational

1038 program;

1039 (d) The student has withdrawn from school due to hardship,

1040 unless such withdrawal has been granted under ~~the provisions of~~

1041 ~~s. 322.091~~, court action, expulsion, medical reasons, or
 1042 pregnancy; or

1043 (e) The student is not eligible to attend school because
 1044 of reaching the maximum age for an exceptional student program
 1045 in accordance with the district's policy.

1046
 1047 The State Board of Education may adopt rules to implement ~~the~~
 1048 ~~provisions of~~ this subsection.

1049 Section 29. This act shall take effect July 1, 2016.